

7/10/92
D.C.

Thomas M. Hoban
Attorney at Law
8 West Wheelock St.
Hanover, New Hampshire 03755
603-643-6906

RECEIVED
JUL 10 1992
SITE ASSESSMENT SECTION

July 7, 1992

Mr. Alan Altur
United States Environmental Protection Agency
Region V
77 West Jackson Blvd
Chicago, Illinois 60604

RE: Screening Site Inspection Report
DESA Industries, Park Forest, Illinois

Dear Mr. Altur:

Today I received the copy of the Screening Site Inspection Report produced by ecology & environment, inc. (e&e) under contract for USEPA, Region V, in 1990 on DESA International's Park Forest property and which you have forwarded to me at my request last week. After reviewing the document, I am certain that, as I thought, I have never seen it before and request that you add the following addresses to your permanent records so that, in the future, copies of all relevant materials will be properly distributed. Following the addresses, I will review the history of the "site" so that you can better understand just who these individuals are and the proper relationships among them:

Attorney for the property owner, DESA Industries, Inc.:

Thomas M. Hoban
8 West Wheelock St.
Hanover, NH 03755

EPA Region 5 Records Ctr.



288854

TO: A. Altur
RE: DESA Industries: Park Forest
DATE: July 7, 1992
Page 2 of 9.

DESA Industries:

Mr. Robert McKinney,
Assistant Secretary
DESA Industries, Inc.
2300 One First Union Center
301 South College Street
Charlotte, NC
28202-6039

Current Operations:

Mr. Robert Kaminski, President
Continental Midland, Inc.
27000 Western Avenue
Park Forest, Illinois

As I explained to you on the telephone last Tuesday, once I received the copy of the Report, I forwarded a copy to the environmental engineering firm which will be advising DESA in this matter:

Delta Environmental
2775 South Moorland Rd,
Suite 300
New Berlin, WI
53151

Once Delta has had the opportunity to review the Report and speak to Mr. Tweddale of ERM (as the report indicates, he was representing DESA at the time of the Survey), DESA will respond more fully to USEPA, addressing in more detail any issues which it believes are raised by the e&e Report.

In the meantime, there are several issues needing clarification, some of which DESA can clarify for USEPA and its contractors, others of which USEPA can clarify for DESA. The remainder of this letter will deal with those issues. It is DESA's hope that you will forward these comments to whomever necessary so that they may be inserted into the Record for this location and incorporated into any future reports on the property.

As to the matters requiring clarification by DESA, there are a number of factual and historical errors in the

TO: A. Altur
RE: DESA Industries: Park Forest
DATE: July 7, 1992
Page 3 of 9.

narrative section of the Report (and, of more potential significance, repeated in the formal EPA Site Inspection Report as well) to which DESA would like to draw USEPA's attention.

I: Plant History/Ownership:

The history of the operation as outlined in the Report is simply incorrect. To the best of anyone's knowledge, manufacturing operations at this particular property began shortly after World War II when Mall Tool Company began operations (1947) until it was sold to the Power Tool Department of Remington Arms (1956). The plant was purchased by DESA Industries from Remington in 1969 (when DESA was founded) and DESA was sold to AMCA International Corporation in 1975.

It was a series of transactions in 1985 which appear to have caused problems for the e&e Report writer. Essentially, DESA Industries sold all of its assets but the Park Forest Operation to DESA International of Bowling Green, Kentucky (not Ohio, as the Report indicates), and the Park Forest operation to Continental Midland, Inc., leaving DESA Industries with the Park Forest real estate as its sole asset. Continental Midland, Inc., leases the property on which it operates the plant from DESA Industries. DESA has no knowledge of or interest in the operation now occupying its property other than the interest of any landlord in receiving its rent and in protecting its property interests.

Potentially confusing matters even further is that since the e&e Report was written, DESA's parent company, AMCA International Corporation, has changed its name to United Dominion Industries, Inc. Thus, in any future Reports, United Dominion Industries, not AMCA International, should be referred to.

At a number of points in the narrative and in the Report, these corporate and historical distinctions are ignored even when they are important. The confusion begins in the first paragraph of the Report [where the property is incorrectly referred to as "the Continental Midland-AMCA International (AMCA) site"] and continues on in continual references in the Report to the "AMCA site." As stated above, the property is owned by neither Continental Midland nor by United Dominion (AMCA); it is owned by DESA and should be referred to as DESA's throughout.

TO: . A. Altur
RE: DESA Industries: Park Forest
DATE: July 7, 1992
Page 4 of 9.

Going through each historical event may only serve to complicate matters, especially when, as here, the current situation is actually simple: the real estate has been owned since 1969 by DESA Industries, Inc. (which once also owned and ran the operation) but the operation is now owned by Continental Midland, Inc., which leases the property from DESA. United Dominion Industries, Inc. (formerly AMCA International Corporation), owns DESA Industries, Inc.

II: Agency Involvement:

A. Characterization of earlier studies:

There are also several errors in the history and characterization of agency (both IEPA and USEPA) involvement and interest in the property. e&e has in its possession a copy of the Report dated November 4, 1986 conducted by ERM North-Central (they refer to it in their References, Page 6-1, and in the body of the Report) which, I believe, has the most accurate summary of both IEPA and USEPA involvement. If B&V does not have a copy, I will be happy to provide them with one.

Both B&V and USEPA should be aware that the initial survey done in 1980 by both IEPA and USEPA resulted in no further agency action. DESA believes that it was subsequent to and wholly independent of that survey, a full two years later (on October 4, 1982), following a telephone call by (evidently) a disgruntled former employee, that IEPA conducted its investigation. The results of this investigation (one of seven samples containing slightly elevated chromium, another with even slighter elevations of cadmium) were enough for IEPA to justify its going on the property for fuller tests, which they did in late 1983.

The results from this round of tests (described by e&e as "extensive soil sampling on-site with a drill rig," p. 2-3), the necessity for which was ostensibly indicated by the presence of metals in the initial round of samples mentioned above, showed no metals present in excess of the EP-Toxic limits but did find three "hot spots" of PCB. Even here, however, the concentrations followed no discernable pattern: 0.7 ppm, 100 ppm, 2600 ppm.

TO: A. Altur
RE: DESA Industries: Park Forest
DATE: July 7, 1992
Page 5 of 9.

Given these results, I am particularly disturbed by the characterization of these sampling events and results in the e&e Report. What the Report fails to mention is that the sole chromium reading it refers to (1.2 ppm EP-Toxic) was a single event, even further, one which IEPA could not duplicate by the subsequent "extensive" soil borings even though those soil borings were deliberately taken on a closely spaced grid in precisely the same area from which that single sample came, explicitly intended by IEPA to duplicate that result. The attempt failed, indicating to DESA that this reading (certainly not very high in the first place) was, at best, a random result and at worst the result of poor lab work.

Furthermore, DESA cannot understand the relevance of the reference to "magnesium at levels up to 500 ppm." To the best of DESA's knowledge, there was then and is now no standard for magnesium concentrations in soils and to attempt to imply, as this language does, that this reading is somehow "high" flies in the face of all sampling ever done in the area; virtually every sampling event in this area (and there have been many), whether near the operation or not, indicates a high magnesium concentration as naturally occurring. e&e need look no further than their own "Control," Soil Sample 7, chosen deliberately because the area looked "undisturbed," which indicates a magnesium concentration of 4,250 ppm. Even though that sample is "J" data and inherently suspect, it does in gross conform to all sampling events in the area of which DESA is aware: the area's soils simply appear to be high in magnesium.

Similarly, of course, DESA must object to the way in which the PCB figure from the earlier test was presented in the narrative. The figure which is mentioned -- "up to 2600 ppm" -- was, indeed, a result. But it was only one sample of three indicating the presence of PCBs; the other two were not nearly so dramatic (0.7 and 100 ppm) nor the consequences as significant as the Report writer might wish. An accurate presentation of the earlier data would indicate that there was a range of PCB readings from 0.7 to 2600 ppm and that in their spatial distribution there was no discernable pattern or relationship among them.

TO: A. Altur
RE: DESA Industries: Park Forest
DATE: July 7, 1992
Page 6 of 9.

B. Status of Negotiations:

DESA takes exception to the characterization of IEPA's interest and DESA's commitments as presented on page 2-3. It is correct that, so far as DESA knows, there is currently no lawsuit against DESA based upon conditions at the plant. It is also true that since the start of this matter, IEPA has presented their position as being that the PCB concentrations must be cleaned up to "background levels," which, DESA has been told by IEPA, means less than 1 ppm (although at one point, IEPA insisted that the standard was 0 ppm).

DESA has always agreed that it would remediate the PCBs in individual hot-spots as they are discovered to levels identical with the federal standard -- to 50 ppm. Because no one has ever been able to discern any pattern to these hot-spots, DESA has always assumed that they arose from random oil spills which may have occurred prior to its ownership of the plant, when PCBs were in use in hydraulic and cutting oils. There is even the possibility that the PCB soils came from the regrading of Western Avenue, in the front of the plant. At the time, DESA used some of the excess fill from this project in regrading its property. In any event, DESA is aware of no spills of PCB oils such as was present in transformers and capacitors since it has owned the property (1969).

Essentially, the positions of IEPA and DESA have remained the same: we have been stalemated. DESA does not wish to begin cleaning up the "PCB contaminated soils" unless and until IEPA is willing to agree that clean soils do not have to be removed and to approve the 50 ppm level; IEPA, for its part, has refused to accept DESA's position, arguing for widespread soil removal and reduction to 1 ppm.

III: Individual Matters

A. Page 2-3: Hazardous Waste Identification Number

The e&e Report states that DESA applied for its Hazardous Waste Id. Number in "the late 1980's." This is simply not correct and DESA resents its implication. DESA applied for and received its RCRA Hazardous Waste Activity Id. Number in 1980 as it was required to do by law -- and as e&e itself indicates in "Part 4- Permit and Descriptive Information" of the Site Inspection Form at II(01)(D).

TO: A. Altur
RE: DESA Industries: Park Forest
DATE: July 7, 1992
Page 7 of 9.

B. 3-2: Property Description

The e&e report states that a large proportion of the total 85 acre property is "barren ground": "The majority of the site area not occupied by manufacturing operations consists of barren ground with occasional patches of vegetation."

Again, e&e has chosen to over-dramatize the effect of the operation on the surroundings. As e&e's own photographs and drawings show, most of the 85 acres comprising the property is heavily wooded, not affected in the slightest by the operation. The only area directly affected by the manufacturing at the plant is entirely within or slightly outside the fenced in area and even here, most of this area is either parking lot, covered with buildings, or mown grass.

There is no question that here and there over the property barren patches or spots may be found, but they are relatively few and may arise from any number of causes (including the high clay content of the soil, which makes growing grass in some areas of the plant all but impossible). But to suggest that barren ground comprises in excess of 40 acres and further to imply that they are due to manufacturing stresses (See Site Inspection Report, Part 3, II(04), Narrative Description) is simply unjustified by either the observable facts or the extensive studies which have been carried out at the property in the past.

C. NPDES and Monitoring:

At several points in the Report, the author confuses DESA, AMCA, and Continental Midland, Inc. when it comes to current NPDES Discharges (compare narrative description, Page 3-4 (the permit is identified as being Continental Midland's) with Site Inspection Report, II(01)(0) "Contamination of Sewers" where it is referred to as "AMCA's"). The NPDES Permit is held by Continental Midland, Inc., and DESA has nothing to do with discharges from the operation whatever. Continental Midland should be able to provide information concerning the monitoring referred to on Page 3-4, but was evidently not asked by e&e to provide that information.

TO: A. Altur
RE: DESA Industries: Park Forest
DATE: July 7, 1992
Page 8 of 9.

D. "Runoff" Tank:

The e&e inspector and Report writer evidently mean by "runoff" tank an old, abandoned, and (now) destroyed and removed, Imhoff Tank. An Imhoff Tank is no more than an aboveground septic tank which served the plant prior to the installation of municipal sewers. The drying beds have been sampled on numerous occasions and yielded only negative results.

E. "Surface Impoundment"

At part 4(III)(01) "Storage Disposal," the e&e Report identifies a "Surface Impoundment." There is simply no such impoundment on the property and, so far as I am aware, there never has been. The Report writer may be confusing the septic leach field for the Imhoff Tank with an impoundment. In a number of places in the Report, the writer speaks of the leach field as "drying beds" and this may be a cause of confusion.

F. Tanks, Below Ground:

Since the e&e Inspection all underground tanks have been removed from the property.

Please understand that this response to the e&e Report is merely preliminary and that DESA will respond to USEPA more fully once its engineering firm has had the opportunity to review the e&e Report in more depth. As you can tell, however, DESA is extremely concerned by the approach evidently taken by e&e in drafting its Report. From even a cursory review, enough factual errors and biased interpretations of past studies emerge to cause DESA to question both the objectivity and adequacy of the Report.

For whatever reason, DESA was not provided the opportunity to respond to the e&e Report when it was published, in May, 1991, and has only just received it (well over a year later) after having been notified by B&V that they are requesting access to the property to conduct yet another, follow-up, study.

TO: A. Altur
RE: DESA Industries: Park Forest
DATE: July 7, 1992
Page 9 of 9.

As I also indicated at the start of this letter, there are several procedural points which USEPA can assist DESA in understanding. First, DESA would like a clarification of the precise nature and purpose of the study which B&V Waste Science and Technology, Inc., (B&V) has evidently been retained by USEPA to undertake. Specifically, does the retention of B&V by USEPA indicate that the new study is to be a so-called "Listing" Site Investigation? If so, DESA would certainly like to avail itself of this opportunity thoroughly to critique the e&e Report, an opportunity it would have had over a year ago had the Report been properly distributed.

Secondly, whether the contemplated study is a Listing Site Inspection or not, DESA would like the opportunity to respond in the most effective way possible to the adequacy of what it sees as the very cursory nature of the e&e Report. Because of the regulatory history of this particular property, DESA has in its possession survey and test data which will supplement the relatively few samples taken by e&e. The property has been the subject of years of interest by IEPA and the subject of extensive IEPA mandated study, the results of which are readily available on the public record. Many of the points that I made above, for example, come directly from the November, 1986 ERM Report which e&e lists in its References section but has used only very selectively in its Report.

DESA respectfully requests that USEPA provide it with information as to how it can most effectively respond to the inadequacies of the e&e Report prior to the initiation of any further inspections of its Park Forest property.

Sincerely,



Thomas M. Hoban

cc. R. McKinney